

ORDINANCE NO. 8697

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ANNEXING APPROXIMATELY 17.324 ACRES, GENERALLY LOCATED NORTH OF CLINTON PARKWAY AND SOUTH OF BOB BILLINGS PARKWAY IN DOUGLAS COUNTY, KANSAS, INTO THE CITY OF LAWRENCE, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, Burning Tree, L.L.C., is the owner of record of certain real property, generally located north of Clinton Parkway and south of Bob Billings Parkway in Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra* ("the subject property");

WHEREAS, the City of Lawrence, Kansas, as part of a project to refurbish the Yankee Tank Dam, also known as the Lake Alvamar Dam, initiated a petition to annex the subject property;

WHEREAS, the subject property adjoins the boundary of the City of Lawrence, Kansas;

WHEREAS, Burning Tree, L.L.C., as owner of record of the subject property, has consented in writing to the annexation of the subject property;

WHEREAS, under K.S.A. 2010 Supp. 12-520(a)(7), the City may, by adoption of an ordinance, annex land where the land adjoins the City and the owner of record consents in writing to the annexation;

WHEREAS, under K.S.A. 2010 Supp. 12-520a(f), the City may, by adoption of an ordinance, annex land without resolution, notice, or a public hearing, as generally required by K.S.A. 2010 Supp. 12-520a(a), where the owner of record consents in writing to the annexation in accordance with K.S.A. 2010 Supp. 12-520(a)(7);

WHEREAS, the petition to annex the subject property was referred to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation;

WHEREAS, on January 23, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on the petition to annex the subject property;

WHEREAS, at the January 23, 2012, public meeting, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, entertained public comment, weighed the evidence adduced at the public hearing, and voted to recommend to the City Commission that it annex the land in question; and

WHEREAS, at its April 17, 2011, public meeting, the Governing Body considered the petition to annex the subject property and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The Governing Body finds that the annexation of that certain real property, generally located north of Clinton Parkway and south of Bob Billings Parkway in Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra*, is in the public interest and that such annexation is proper under K.S.A. 2010 Supp. 12-520(a)(7).

SECTION 3. In accordance with the Governing Body's finding, the City hereby annexes into the City the following legally described real property, located in Douglas County, Kansas, to-wit:

BEGINNING AT A POINT WHICH IS SOUTH 87°41'36" WEST, 175.00 FEET ALONG THE NORTH LINE, AND SOUTH 0°26'28" EAST, 170.09 FEET FROM NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 0°26'28" EAST, 1319.19 FEET; THENCE SOUTH 20°10'28" WEST, 597.50 FEET; THENCE SOUTH 29°31'52" WEST, 319.96 FEET; THENCE SOUTH 0°26'27" EAST, 281.80 FEET; THENCE SOUTH 87°59'00" WEST, 596.77 FEET; THENCE NORTH 18°50'33" EAST, 232.53 FEET; THENCE NORTH 38°30'21" EAST, 603.92 FEET; THENCE NORTH 20°44'02" EAST, 859.18 FEET, THENCE NORTH 0°26'28" WEST, 956.95 FEET; THENCE NORTH 87°41'36" EAST, 200.10 FEET TO THE POINT OF BEGINNING. CONTAINS 17.324 ACRES, MORE OR LESS.

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 24th day of April, 2012.

APPROVED:

Robert J. Schumm
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.